

Exhibit A

FILED: SUFFOLK COUNTY CLERK 07/13/2021 04:05 PM

INDEX NO. 613188/2021

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 07/13/2021

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK**

Index No.: _____ **2021**

KATHLEEN DUCA,

Plaintiff(s),

-against-

COSTCO WHOLESALE CORPORATION, D/B/A
"COSTCO",

Defendant(s).

Plaintiff Designates SUFFOLK
County as the place of trial.

The basis of venue is:

PLAINTIFF'S RESIDENCE

SUMMONS

Plaintiff resides at:

62 LAKESIDE LANE
WESTHAMPTON, NY 11977
NEW YORK 11787

COUNTY OF SUFFOLK

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: HAUPPAUGE, NY.
JULY 13, 2021.

YOURS, ETC.,

PALERMO LAW, P.L.L.C.

BY: STEVEN J. PALERMO, ESQ.

ATTORNEYS FOR PLAINTIFF

OFFICE & P.O ADDRESS

1300 VETERANS MEMORIAL HIGHWAY
SUITE 320

HAUPPAUGE, NY 11788

(631) 265-1051

DEFENDANT TO BE SERVED THROUGH SECRETARY OF STATE.

FILED: SUFFOLK COUNTY CLERK 07/13/2021 04:05 PM

INDEX NO. 613188/2021

NYSCEF DOC. NO. 1

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X

KATHLEEN DUCA,

Index No.: _____-21

Plaintiff,

- against -

VERIFIED COMPLAINT

COSTCO WHOLESALE CORPORATION,
d/b/a "COSTCO",

Defendant.

-----X

Plaintiff, by her attorneys, PALERMO LAW, P.L.L.C., complaining of the defendants herein,
respectfully sets forth and alleges as follows:

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
COSTCO WHOLESALE CORPORATION, D/B/A
"COSTCO":**

FIRST: That at all times herein mentioned, plaintiff herein was and still is an adult, and a
resident of the County of Suffolk and State of New York.

SECOND: Upon information and belief, at all times hereinafter mentioned, the defendant,
COSTCO WHOLESALE CORPORATION, was a domestic corporation, duly organized and existing
under and by virtue of the laws of the State of New York, on AUGUST 17TH, 2020.

THIRD: Upon information and belief, at all times hereinafter mentioned, the defendant,
COSTCO WHOLESALE CORPORATION, was a foreign corporation, duly authorized to conduct
business within the State of New York, on AUGUST 17TH, 2020.

FOURTH: Upon information and belief, at all times hereinafter mentioned, the defendant,
COSTCO WHOLESALE CORPORATION, was the owner of a certain wholesale warehouse on

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INDEX NO. 613188/2021

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 07/13/2021

AUGUST 17TH, 2020, known as "COSTCO", located at 1768 Old Country Road, Riverhead, New York.

FIFTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION, was the lessor of premises known as 1768 Old Country Road, Riverhead, New York, on or before AUGUST 17TH, 2020.

SIXTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION, was the lessee of certain premises known as 1768 Old Country Road, Riverhead, New York, on AUGUST 17TH, 2020.

SEVENTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION, was the deeded owner of certain premises known as 1768 Old Country Road, Riverhead, New York, on AUGUST 17TH, 2020.

EIGHTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION, was conducting business on AUGUST 17TH, 2020, as "COSTCO", a wholesale warehouse store, located at 1768 Old Country Road, Riverhead, New York.

NINTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION, was operating the aforesaid wholesale warehouse store known as "COSTCO", at 1768 Old Country Road, Riverhead, New York, on AUGUST 17TH, 2020.

TENTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION supervised the aforesaid wholesale warehouse store known as "COSTCO", at 1768 Old Country Road, Riverhead, New York, on AUGUST 17TH, 2020.

ELEVENTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION controlled the aforesaid wholesale warehouse store known as "COSTCO", at 1768 Old Country Road, Riverhead, New York, on AUGUST 17TH, 2020.

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NYSCEF DOC. NO. 1

INDEX NO. 613188/2021

RECEIVED NYSCEF: 07/13/2021

TWELFTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION maintained the aforesaid wholesale warehouse store known as "COSTCO", at 1768 Old Country Road, Riverhead, New York, on AUGUST 17TH, 2020.

THIRTEENTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION managed the aforesaid wholesale warehouse store known as "COSTCO", at 1768 Old Country Road, Riverhead, New York, on AUGUST 17TH, 2020.

FOURTEENTH: Upon information and belief, at all times hereinafter mentioned, the defendant, COSTCO WHOLESALE CORPORATION, was conducting said business as "COSTCO", a wholesale warehouse store was open to the general public for the purpose of selling furniture, food and other items on AUGUST 17TH, 2020.

FIFTEENTH: That at all times herein mentioned, the plaintiff, KATHLEEN DUCA, was lawfully within the aforesaid wholesale warehouse store at 1768 Old Country Road, Riverhead, New York on AUGUST 17TH, 2020, as an invited guest, patron and customer.

SIXTEENTH: That while the plaintiff herein was upon and within the defendant's premises as aforesaid, she was caused to slip and fall and sustain personal injuries.

SEVENTEENTH: That the injuries suffered by the plaintiff, KATHLEEN DUCA, on AUGUST 17TH, 2020, were caused solely and wholly through the negligence of the defendant herein, and/or their agents, servants, and/or employees, and without any negligence on the part of the plaintiff contributing thereto.

EIGHTEENTH: The defendant, **COSTCO WHOLESALE CORPORATION, d/b/a "COSTCO"**, together with their agents, servants, and/or employees, were negligent, careless and reckless at the time and place aforesaid as follows:

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NYSCEF DOC. NO. 1

INDEX NO. 613188/2021

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- in the ownership, operation, management, maintenance, supervision and control of the aforesaid premises;
- in failing to properly supervise the premises;
- in failing to adequately maintain the floor at said premises;
- in failing to provide adequate employees to inspect at the premises;
- in operating the aforesaid premises in a negligent and careless manner;
- in causing, permitting and allowing a dangerous and defective condition to remain in existence on their premises;
- in causing, permitting and allowing the floor to be in a defective and dangerous state in areas where members of the general public were traversing;
- in failing to post any sign, warning, cones or other barrier at or near the dangerous and defective portion of the floor, to prevent customers from walking and traversing in the dangerous area, to wit: an area which contained foreign substance, food, or other debris;
- in causing, permitting and allowing said defect and danger to remain in existence for an inordinate period of time, creating and causing a hazard and a trap to persons upon their premises, including the plaintiff herein;
- and in failing to timely and properly clean the area of the floor which posed the danger, all when they knew, or in the prudent ownership and maintenance of their said premises, should have known, that said condition was dangerous and a threat to the all customers and other persons traversing their aforesaid premises, including the plaintiff herein, and the defendant were otherwise negligent in the premises.

NINETEENTH: That as a direct and proximate result of the negligence of the defendants herein as aforesaid, the plaintiff, KATHLEEN DUCA, sustained severe and permanent personal injuries, in and about her head, body and limbs; was caused to become sick, sore, lame and disabled; and may

FILED: SUFFOLK COUNTY CLERK 07/13/2021 04:05 PM

NYSCEF DOC. NO. 1

INDEX NO. 613188/2021

RECEIVED NYSCEF: 07/13/2021

have sustained an aggravation or activation of a prior-existing condition which was either known or unknown, latent or patent; suffered injuries to her nervous system; suffered mental anguish, was confined bed and home and may, in the future, be so confined; required medical treatment and therapy; was incapacitated from attending to her usual duties and vocation and may, in the future, be so incapacitated; will suffer a loss and/or limitation of quality and enjoyment of life; and plaintiff was otherwise injured damaged.

TWENTIETH: THAT THIS ACTION FALLS WITHIN ONE OR MORE OF THE EXCEPTIONS AS SET FORTH IN CPLR 1602.

TWENTY-FIRST: That by reason of the foregoing, plaintiff, KATHLEEN DUCA, has been damaged in an amount that exceeds the monetary limits of all lower courts, and which shall ultimately be determined by this court and/or a jury.

WHEREFORE, plaintiff herein demands judgment against the defendant herein, COSTCO WHOLESALE CORPORATION, D/B/A "COSTCO", for a sum which exceeds the monetary limits of all lower courts, and which shall ultimately be determined by this court and/or a jury, together with such other, further, and different relief as to the court may seem just, equitable and proper.

DATED: HAUPPAUGE, NEW YORK.
JULY 13, 2021.

YOURS, ETC.,



PALERMO LAW, P.L.L.C.
BY: STEVEN J. PALERMO, ESQ.
ATTORNEYS FOR PLAINTIFF
1300 VETERANS HIGHWAY, SUITE 320
HAUPPAUGE, NY 11788
(631) 265-1051

TO: DEFENDANT THROUGH THE SECRETARY OF STATE

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NYSCEF DOC. NO. 1

INDEX NO. 613188/2021

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VERIFICATION

STATE OF NEW YORK)

SS.:

COUNTY OF SUFFOLK)

KATHLEEN DUCA, being duly sworn, deposes and says:

That I am one of the plaintiffs in the within action and as such has read the foregoing COMPLAINT, and knows the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, I believe it to be true.

The grounds of my belief as to all matters not stated upon my own knowledge are documents, records, conversations, and other pertinent information.


KATHLEEN DUCA

Sworn to before me this 12th
day of July, 2021.


NOTARY PUBLIC

DANIELLE MARIE SWALLOW
Notary Public, State of New York
No. 01SW6236125
Qualified in Suffolk County
My Commission Expires March 25, 2023

FILED: SUFFOLK COUNTY CLERK 07/13/2021 04:05 PM

NYSCEF DOC. NO. 1

INDEX NO. 613188/2021

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KATHLEEN DUCA,

Plaintiff(s),

- against -

COSTCO WHOLESALE CORPORATION, D/B/A "COSTCO",

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

PALERMO LAW, P.L.L.C.
Attorneys for Plaintiff
1300 VETERANS MEMORIAL HIGHWAY
SUITE 320
HAUPPAUGE, NY 11788
(631) 265-1051

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: _____

Signature _____

Service of a copy of the within

Dated: _____

Attorney(s) for